

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL M. RAPA,

Defendant.

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Case No. 20-cr-30141-SMY

ORDER

YANDLE, District Judge:

Pending before the Court is Defendant Michale Rapa's motion for credit for time served under home incarceration (Doc. 65). For the following reasons, the motion is **DENIED**.

Rappa was indicted on September 23, 2020, on three counts of possession of child pornography in violation of 18 U.S.C. § 2254A(a)(5)(B) and (b)(2). He pled guilty to the Indictment and on June 2, 2022, was sentenced to a 72-month term of imprisonment to be followed by 5 years of supervised release (Doc. 50). Rappa asserts that his approximately 20 months pretrial home incarceration under judicial supervision warrants credit toward his sentence.

The authority to calculate a federal prisoner's period of incarceration for the federal sentence imposed and to provide credit for time served is delegated to the Attorney General, who acts through the Bureau of Prisons ("BOP"). *United States v. Wilson*, 503 U.S. 329, 334–336 (1992). A prisoner who believes the BOP has erred in its calculation of his federal sentence can challenge the execution of his sentence by bringing a petition for writ of *habeas corpus* under 28 U.S.C. § 2241. *See United States v. Scott*, 775 F. App'x 252, 253 (7th Cir. 2019); *see also Romandine v. United States*, 206 F.3d 731, 736 (7th Cir. 2000). A petition filed pursuant to § 2241

must name the prisoner's custodian as respondent and must be filed in the district of custody.
Rumsfeld v. Padilla, 542 U.S. 426 (2004).

Based on the information contained in Rappa's motion, it appears that he is confined at the Federal Correctional Institution in Butner, North Carolina. As such, he should file an appropriate request with the BOP and, if that fails, is free to seek relief under § 2241 in the United States District Court for the Eastern District of North Carolina.

IT IS SO ORDERED.

DATE: February 20, 2025

The image shows a handwritten signature in black ink, which appears to read "Staci M. Yandle". The signature is written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is arched across the top, and "SOUTHERN DISTRICT OF ILLINOIS" is arched across the bottom.

STACI M. YANDLE
United States District Judge